

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JENNIFER MULLIS,

Plaintiff

v.

C-1-01-713

HOME DEPOT USA INC.,

Defendant

**ORDER**

This matter is before the Court upon Plaintiff's third request for an extension of time in order to obtain legal counsel. (Doc. 54). Said motion was filed on Thursday, April 15, 2004 at 12:34 p.m., less than one hour before a evidentiary hearing set for the same date which had been scheduled since February 3, 2004. (*See* Doc. 53). Although Defendant had not been served with and thus had been unable to respond to Plaintiff's motion prior to the scheduled hearing, defense counsel orally objected to the continuance request, noting that Defendant already had expended considerable time and money in order to attend and to secure and prepare witnesses for the evidentiary hearing as scheduled. As reflected in the record of proceedings on April 15, 2004, the Court specifically finds that Plaintiff's untimely request for continuance caused Defendant to incur such expenses, costs and attorney fees unnecessarily, and that Plaintiff thus may be held responsible for such expenditures.

Further pursuant to the record of the April 15, 2004 proceedings, the hearing previously

scheduled for that date hereby is RECESSED to **April 22, 2004 at 1:30 p.m.**, at which time Plaintiff is DIRECTED to show cause why this matter should not be dismissed. Defendant also may present evidence regarding the amount of expenses, costs and attorney fees incurred as a result of Plaintiff's untimely continuance motion, and both parties may present evidence with respect to Defendant's motion to enforce settlement agreement, which will be heard on its merits.

Plaintiff further is DIRECTED to instruct any attorney whom Plaintiff may retain in the interim both to enter an appearance on Plaintiff's behalf and to contact Defendant's counsel as soon as possible.

**IT IS SO ORDERED.**

s/ Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court

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